

Closed Caption Log, Special Called Council Meeting, 03/26/07

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MAYOR WYNN: THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL TO ORDER THIS MEETING, SPECIAL CALLED MEETING OF THE AUSTIN CITY COUNCIL. IT'S MONDAY, MARCH 26, 2007, ABOUT 12 MINUTES AFTER 4:00 P.M. WE'RE IN THE COUNCIL CHAMBERS AT THE CITY HALL BUILDING, 301 WEST 2ND STREET. MS. TERRY, COULD YOU SAY THIS WAS A PROPERLY CALLED MEETING AND THE POSTING WENT OUT ON FRIDAY TO MAKE THIS MEETING.

TERRY: YES, SIR, WE MADE THE DEADLINE.

MAYOR WYNN: THANK YOU. WE'RE NOT GOING TO HAVE AN INVOCATION TODAY. WE'VE DONE THAT WELL TOO FREQUENTLY ON THIS CASE. [LAUGHTER]

MAYOR WYNN: WELCOME. WELCOME, MR. GREG GUERNSEY, SO GIVE US AN UPDATE. MR. GUERNSEY?

THANK YOU, MAYOR AND COUNCIL. WE HAVE TWO ITEMS ON THE AGENDA TODAY. ITEM NO. 1 IS NPA-06-0019.01 KNOWN AS THE EAST AVENUE PUD. THIS IS THE AUSTIN COMPREHENSIVE PLAN FOR THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLANNING AREA TO ESTABLISH A MIXED USE DENSITY ON THIS PROPERTY LOCATED AT 3400 NORTH IH-35. AND THE POSTING ACTUALLY SAYS HIGH DENSITY MIXED USE BUT ALL PARTIES HAVE

AGREED TO THE MIXED USE DESIGNATION. AND THERE IS ONE PORTION OF THE FUTURE LAND USE MAP THAT I'LL JUST POINT OUT IN A MOMENT, AND I'LL GET TO THE SECOND ITEM. SECOND ITEM IS C 814-06-0175 EAST AVENUE PLANNED UNIT DEVELOPMENT, AT 3400..... 3400 IH-35, SERVICE ROAD NORTHBOUND, AND THIS IS A REZONING FROM GENERAL OFFICE NEIGHBORHOOD PLAN OR GONP COMBINED DESCRINGT ZONING AND LIMITED OFFICE MIXED USE ON -- LO-MU-NP COMBINED DISTRICT ZONING, AND GENERAL COMMERCIAL SERVICES MIXED USE NEIGHBORHOOD PLAN OR CS-MU-NP, COMBINING DISTRICT ZONING TO PLANNED UNIT DEVELOPMENT, PUD DISTRICT ZONING. THIS IS A 22-ACRE TRACT, APPROXIMATELY, THAT HAS VARIOUS LAND USES. BOTH OF THESE ITEMS ARE RELATED. THE ITEM NO. 1 BEING THE AMENDMENT TO THE AUSTIN COMPREHENSIVE PLAN. THE ENTIRE TRACT ON THE ORDINANCE THAT..... THAT'S BEFORE YOU IS SHOWN AS MIXED USE. OVER THE WEEKEND THERE WAS SOME AGREEMENT TO ACTUALLY DESIGNATE TRACT B 1 AND B 3 TO BE A SINGLE-FAMILY HIGH DENSITY THAT WOULD PERTAIN TO TOWNHOUSE AND CONDOMINIUM OF A LOWER DENSITY, BUT GRANTED THAT THE ZONING ORDINANCE ACTUALLY CONTROLS AND WOULD BE MUCH MORE RESTRICTIVE THAN THE MIXED USE CLASSIFICATION. THE PARTIES HAVE AGREED TO GO FORWARD WITH THE FUTURE LAND USE MAP AS IT EXISTS. SO AS IT'S PRESENTED TO YOU ON THE ORDINANCE, THE FUTURE LAND USE MAP DOES ANNEX THESE PROBLEMS AS MIXED USE. THE ZONING ORDINANCE IS A ZONING ORDINANCE THAT YOU HAVE ON THE DAIS. IT'S APPROXIMATELY 13 PAGES LONG. IT SPEAKS TO THE DEVELOPMENT LIMITATION THROUGHOUT THIS PROPERTY. IT DOES ALLOW SOME BUILDINGS UP TO A HEIGHT OF 195 FEET. IT PROVIDES FOR A MIXTURE OF USES INCLUDING RESIDENTIAL, HOTEL, RETAIL ON THIS PROPERTY. ALSO, IT MAKES ACKNOWLEDGE DAIGS FOR CERTAIN CIVIC..... ACCOMMODATIONS FOR CERTAIN CIVIC USES. THE PROPERTY WOULD BE BISECTED BY PRIVATE STREETS OR PUBLIC STREETS OR DRIVEWAYS, AND THERE ARE PROVISIONS THAT SPEAK TO SPECIFIC USE STANDARDS. THERE ARE CERTAIN PROHIBITED

ACTIVITIES THROUGHOUT THE PROPERTY THAT WOULD ALSO INCLUDE PROHIBITING DRIVE-IN SERVICES IF PROHIBITED. ALSO PROHIBITING HELICOPTER PADS ON THE PROPERTY. IT SPEAKS TO RESTRICTING THE TOWERS THAT ARE PROPOSED ON THE PROPERTY SO THEY ARE NOT MASSIVE STRUCTURES AND ARE LIMITED TO CERTAIN PLACES ON THE TRACTS G AND D, SO THEIR HEIGHTS ARE LIMITED FOR HIGHER PORTIONS THAT..... PORTION THAT WOULD GO UP. PROVIDES FOR LIMITATIONS ON ACCESSORY USES, IN PARTICULAR TO THE HOTEL, AND OTHER USES ON THE PROPERTY. AND THERE IS A PROVISION WITHIN THE ORDINANCE TO PROVIDE FOR ADDITIONAL NOTICE THAT WOULD GO BEYOND OUR NORMAL NOTICE OF 300 FEET TO GO OUT TO A THOUSAND FEET. I UNDERSTAND THERE IS A COVENANT THAT'S BEEN EXECUTED THAT IF A PORTION OF THIS PROPERTY WOULD BECOME DEVELOPED, THAT THE NOTICE FOR THE ADDITIONAL DISTANCE BEYOND 300 FEET TO THE 1,000 FEET WOULD BE PAID BY THE APPLICANT AT THE TIME OF SUBMITTAL. THERE IS AN INTEGRATED PEST MANAGEMENT CONTROL PLAN THAT'S PROVIDED FOR THIS. IT WOULD BE SUBJECT TO TWO STAR GREEN BUILDER, AND THERE ARE OTHER CONDITIONS THAT SPEAK TO DEVELOPMENT ON THE PROPERTY. STAFF WOULD NOTE THAT THERE IS A PROVISION TO WAIVE ALL PARK PLAN FEES. STAFF IS STILL OPPOSED TO THAT, BUT I WILL ALSO NOTE THAT WE HAVE BEEN IN RECEIPT TODAY OF THREE PRIVATE COVENANTS, ONE THAT SPEAKS EXCLUSIVELY TO MONIES THAT WOULD GO TO THE AUSTIN PARKS FOUNDATION. THERE'S ALSO ANOTHER COVENANT THAT SPEAKS TO EASEMENTS AND A WALL CONSTRUCTION BETWEEN LUTHER AND CONCORDIA ON THE NORTHWESTERN PORTION OF THE PROPERTY, AND A THIRT COVENANT THAT I UNDERSTAND HAS BEEN EXECUTED THAT SPEAKS TO THE HOTEL, AND AFFORDABLE HOUSING. AND DESIGN STANDARDS OF A DESIGN COMMITTEE THAT WOULD BE ON THE PROPERTY. AT THIS TIME I'LL PAUSE. I UNDERSTAND THE PUBLIC HEARING -- I BELIEVE YOU KEPT IT OPEN AT YOUR LAST MEETING. THE ORDINANCES ARE PREPARED FOR ALL THREE READINGS ON EMERGENCY PASSAGE

TODAY. SO AT THIS TIME I'LL PAUSE IF YOU HAVE ANY QUESTIONS.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL, COMMENTS? IF NOT, WE DO HAVE A HANDFUL OF FOLKS, ABOUT 15, WHO SIGNED UP INITIALLY WISHING TO SPEAK. THEY ALL ARE WELCOME TO DO SO, OF COURSE. SOME MAY DECLINE THAT. IT SEEMS TO ME COUNCIL, IT MIGHT MAKE SENSE FOR US TO HEAR FROM A COUPLE OF THE KEY NEGOTIATORS, I GUESS, INVOLVED HERE, TWO OR THREE KEY PARTIES AND AS THAT INFORMATION IS VERY CLEAR, THEN WE'LL JUST GET FURTHER TESTIMONY FROM FOLKS AS THEY PERHAPS HEAR MORE ABOUT THE DETAILS OF SOME OF THE PRIVATE RESTRICTIVE COVENANTS. SO WITHOUT OBJECTION AND IF THEY DON'T MIND, I'D LIKE TO CALL SHANNON RAT LIVE, NIKELLE MEADE AND OTHERS INVOLVED BEFORE WE START GETTING MORE OPEN PUBLIC TESTIMONY. MR. RATLIFF, WELCOME. WE APPRECIATE ALL YOUR HARD WORK.

THANK YOU, MAYOR WYNN AND MEMBERS OF COUNCIL. I'LL BE VERY BRIEF. I WANTED TO COME TO SAY FOR A MOMENT THANK YOU VERY MUCH TO EACH, EVERY MEMBER OF THE COUNCIL, YOUR STAFF, THE CITY STAFF, MS. TERRY, AND ALL THE OTHERS, THEY WORKED EXTREMELY HARD ON OUR BEHALF AND WE APPRECIATE THAT. AND THANK YOU FOR MAKING THIS PROCESS POSSIBLE. THE PEOPLE I'D LIKE TO CALL OUT IN PARTICULAR ON BEHALF OF THE NEIGHBORHOOD ARE JAN MCCAN, WHO CONTRIBUTIONS TO THE PROJECT ARE MANY. SHE HAS SHOWED GREAT SENSITIVITY TO PARTY PARTIES AND WILL RESULT IN A PROJECT WE CAN BE PLEASED WITH. NIKEL MEADE AND ANDY WITH THE MCCAROL BROWN LAW FIRM, AND WORK LATE INTO THE NIGHT MANY NIGHTS TO MAKE THIS HAPPEN. AGAIN THANKS TO EACH AND EVERY ONE OF YOU AND YOUR STAFFS FOR YOUR ASSISTANCE ON THIS PROJECT. WE APPRECIATE IT.

MAYOR WYNN: THANK YOU. MS. MEADE AND MR. SUTTLE? CAN WE GET INITIAL COMMENTS AND

SUMMARIES?

COUNCIL MEMBERS, I'LL BE AS BRIEF. I KNOW RICHARD IS GOING TO GO THROUGH ALL THE SPECIFICS OF THE PRIVATE AGREEMENTS BUT I JUST WANT TO REITERATE WHAT SHANNON SAID, THAT WE REALLY ARE APPRECIATIVE OF THE COUNCIL ACCOMMODATING OUR NEED FOR EXTRA TIME. I KNOW IN THE 12 YEARS I'VE BEEN DOING THIS WORK I CAN COUNT ON ONE HAND THE NUMBER OF TIMES THE COUNCIL HAS RECESSED, CALLED SPECIAL CALLED MEETINGS AND HAS GONE WAY OUT OF ITS WAY, THE COUNCIL AND STAFF, TO ALLOW THE EXTRA PARTIES TO HAVE TIME, AND WE MADE A LOT OF CHANGES THAT ACTUALLY REALLY NEEDED TO GET MADE OVER THE WEEKEND. AND SO WE REALLY DO APPRECIATE THAT EXTRA TIME. WE APPRECIATE YOUR STAFF. I THINK, YOU KNOW, MARTY, TERRY, DEBRA, THOMAS, WHO ARE....., WHOARE HAY, ROUSSELIN, EVERYBODY WAS TAKING PHONE CALLS AT HOME, CELL PHONE CALLS, TRYING TO GET THESE DOCUMENTS DONE AND I THINK WE'VE GOTTEN THEM AS PERFECTLY AS THEY'RE PROBABLY GOING TO GET. AND WE REALLY DO APPRECIATE IT. WE THINK THE RESULTS WILL BE A VERY GOOD PROJECT FOR THIS COMMUNITY. THANK YOU.

MAYOR WYNN: THANK YOU, MS. MEADE. MR. SUTTLE, IF YOU WOULDN'T MIND JUST WALKING US THROUGH -- IN HOW MUCH DETAIL YOU THINK IT NEEDS, BUT SOME SUMMARY FORMAT THE PRIVATE RESTRICTIVE COVENANTS AND COUNCIL, IF YOU....YOU DON'T MIND, WE SHOULD HEAR FROM CONCORDIA AND THE CHURCH, JUST IN A SORT -- TO SORT OF CONFIRM SOME OF THESE ELEMENTS AND THEN WE'LL START TAKING PUBLIC SOUTHWEST. WELCOME, MR. SUTTLE.

THANK YOU, MEMBER OF THE COUNCIL, MAYOR. I'M RICHARD SUTTLE. I'M HERE ON BEHALF OF THE DEVELOPER WHERE CONCORDIA WILL BE VACATING. WHEN WE CAME TO YOU EARLY WE SAID THAT THIS WAS A TOTAL PACKAGE DEAL, AND WHAT WAS THE DIFFICULT PART WAS FOR YOU TO GET ONE PACKAGE PART DONE AND THE OTHER

WASN'T DONE, AND I'M PROUD TO SAY TODAY WE'RE HERE WITH THE TOTAL PACKAGE COMPLETED AND AGREED TO. THE TOTAL PACKAGE INCLUDES THE ORDINANCE, AND A COUPLE OF COVENANTS THAT I'LL BRIEFLY OUTLINE. I WANT TO FIRST POINT OUT IN THE ORDINANCE THAT BASICALLY WE CAME TO YOU ORIGINALLY WITH JUST A SINGLE BLOCK OF LAND WITH IDEAS OF DENSITIES AND HEIGHTS, AND WHAT ROMEO WAS ABLE TO DO WAS KIND OF PUT THAT INTO A VISUAL THAT EVERYBODY STARTED GETTING MORE COMFORTABLE WITH AND THAT VISUAL INCLUDED DRIVEWAYS AND STREETS AND PRIVATE STREETS AND HOW THOSE WOULD RELATE TO THE BUILDINGS, AND THAT MOVED THE BALL A LOT. THIS IS A TRUE MIXED USE PROJECT. IT HAS OFFICE, RETAIL, RESIDENTIAL, AND IT IS TRULY MIXED BOTH ACROSS THE TRACT AS POTENTIALLY VERTICALLY AS WELL. THERE ARE HEIGHT ARREST PARTICULAR LAYINGS ANYWHERE FROM 35 FEET AT THE LOW END TO THE TALLEST OF 195 BUT ALSO THERE ARE THREE SPECIFIC TOWERS THAT WITH CONDITIONS THEY CAN GO TO 182, 185 AND THEN 195. AND SO THE ARTICULATIONS ARE INTERESTING AND THEY'RE PART OF THE EXHIBIT TO THE ORDINANCE. THERE ARE LIMITS ON GROUND FLOOR COMMERCIAL SIZES TO CREATE A VERY SIMILAR STREET SCAPE THAT WE HAVE DOWN HERE ON 2ND STREET THAT I THINK HAS BEEN VERY POPULAR. THE PUBLIC BENEFITS THAT ARE IN THIS AGREEMENT INCLUDE THE GREAT STREETS OR BETTER DESIGNS AS SPELLED OUT BY ROMA AND THOSE ARE ACTUALLY DESCRIBED IN VISUAL FORM IN THE ORDINANCE. THERE'S A SUBSTANTIAL CONTRIBUTION TO THE AUSTIN PARKS FOUNDATION IN LIEU OF THE HYPOTHETICAL PARK DEDICATION THAT THE CITY MAY OR MAY NOT HAVE GOTTEN IN THE FUTURE AS THIS PROJECT MOVES ON. THE AGREEMENT WAS THERE MAY OR MAY NOT BE PARK DEDICATION REQUIRED TO THE CITY, BUT UNDER THIS PRIVATE AGREEMENT THERE IS DEFINITELY A SUBSTANTIAL CONTRIBUTION GOING TO THE AUSTIN PARKS FOUNDATION, AND THAT -- THEY HAVE AN AGREEMENT WITH THE NEIGHBORHOOD TO BE SPENT -- FOR THAT MONEY TO BE SPENT IN THAT AREA. SO IN A SENSE,

ALTHOUGH IT'S AN IN LIEU OF TO THE CITY, IT'S THE SAME THING AND IT'S TIED DOWN AND IT'S FOR SURE, AND IT'S A CERTAIN AMOUNT. THERE IS THE HOME PRICING PROGRAM BUILT INTO THE RESTRICTIVE COUGH NABTS..... COVENANTS THAT HAS TO DO WITH THE AFFORDABILITY AND RENTAL OF THE SALES UNIT. DEVELOPMENT OF THIS PROJECT WILL REQUIRE SUBSTANTIAL INFRASTRUCTURE UPGRADES, THAT WILL BENEFIT BOTH THIS PROJECT AND THE SURROUNDING AREAS. THERE IS EXTENSIVE LANDSCAPING AND OPEN SPACE REQUIREMENTS. THERE ARE -- WE ARE TO USE AT LEAST ONE OF THE SUSTAINABLE WATER QUALITY MEASURES, WORKING WITH STAFF ON THAT. THE -- THERE WILL OF COURSE BE AN INTEGRATED PEST MANAGEMENT. WE'VE AGREED TO PARTICIPATE IN THE GREEN NATIVE PLANT MATERIAL PROGRAM AS WELL AS THE TWO STAR ENERGY RATING UNDER THE AUSTIN GREEN BUILDING PROGRAM. THE COVENANTS ESSENTIALLY -- I CAN GO THROUGH AS MUCH AS DETAIL AS YOU WANT BUT I CAN TELL YOU THEY SPELL OUT THE PARKLAND FEE IN LIEU OF CITY PARK FEES. THEY SPELL OUT A DESIGN STANDARD COMMITTEE THAT WILL DEVELOP DESIGN STANDARDS FOR DEVELOPMENT WITHIN THE PUD THAT WILL BE MORE DETAILED THAN PROBABLY WHAT WE HAVE IN THE COMMERCIAL DESIGN STANDARDS OF THE CITY. THE NEIGHBORHOOD GETS TO PARTICIPATE IN THAT PROCESS AND DEVELOPMENT WILL BE SUBJECT TO THOSE AS WE MOVE FORWARD. THE -- THERE ARE EXTRA NOTICE REQUIREMENTS FOR BOTH THE FILING OF SITE PLAN AS WELL AS PROVIDING NEIGHBORS WITH COPIES OF THE SITE PLANS AS THEY'RE FILED. THE PROCESS WAS LONG. IT WAS COMPLICATED, BUT IT'S A COMPLICATED PROJECT, AND I TOO WANT TO THANK A NUMBER OF PEOPLE, BUT YOU NEED TO BE VERY PROUD OF YOUR CITY STAFF. WE PUT THEM IN AN AWKWARD POSITION ON THIS CASE. THEY RESPONDED WELL. THEY WORKED HARD. I'VE NEVER HAD SO MANY HOME NUMBERS AND HOME EMAILS OFFERED UP, NOT ASKED FOR BUT OFFERED UP, IN RESPONSE TO KNOWING THE SCHEDULE AND THE AWKWARDNESS THAT WE PUT EVERYBODY IN ON THIS, AND YOU HAVE EVERY REASON TO BE

PROUD OF YOUR ENTIRE CITY STAFF ON THIS ONE. I ALSO WANT TO THANK THE NEIGHBORS FOR THE TIME THAT THEY TOOK. WE'RE TALKING LONG AND LATE HOURS THAT THEY ALL SPENT, AND -- AS WELL AS THEIR CONSULTANTS, THE BROWN MCCAROL FIRM. WE THANK THEM BECAUSE IT WOULD NOT HAVE HAPPENED WITHOUT THEM. I ALSO WANT TO THANK OUR TEAM, BECAUSE OUR TEAM STAYED IN THERE, LARRY SPEC HOUSE, GLASS COMPANY, WHM, MARIAM PARTNERS, THE ENTIRE TEAM THAT WORKED WITH US ON THIS, IT WOULD NOT HAVE HAPPENED WITHOUT IT. AND THEN FINALLY THANK YOU, BECAUSE IT IS UNPRECEDENTED FOR THE MEASURES THAT YOU-ALL WENT THROUGH TO MAKE THIS DEAL WORK, TO HELP CONCORDIA REACH ITS GOAL AND TRY TO GET MOVED OUT THERE TO 620. SO WITH THAT I'LL CLOSE. THANK YOU AGAIN, AND I'LL BE HAPPY TO ANSWER ANY QUESTIONS. THE DOCUMENTS ARE LONG, BUT I ESSENTIALLY HIT THE HIGH POINTS. I'LL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

MAYOR WYNN: THANK YOU, MR. SUTTLE.
QUESTIONS OF MR. SUTTLE, COUNCIL? COMMENTS?
THANK YOU, RICHARD.

THANK YOU.

MAYOR WYNN: AND PERHAPS FROM CONCORDIA AND OR THE CHURCH. APPRECIATE SOME SORT OF CONFIRMATION.

GOOD AFTERNOON, MR. MAYOR, MEMBERS OF THE COUNCIL. CITY MANAGER AND -- CITY ATTORNEY ON BEHALF OF ALL OF US HERE AT CONCORDIA WE WANT TO MAKE SURE YOU-ALL UNDERSTAND HOW MUCH WE APPRECIATE THE WORK THAT YOU HAVE PUT IN ACROSS IN FAIRLY DIFFICULT, COMPLICATED AND FISCALLY CONSTRAINED TRANSACTION. IT'S NOT EASY WHEN YOU'VE BEEN SOMEPLACE FOR 80 YEARS AND MOVED FROM IT. MR. MAYOR, WE DID LOTS OF INVOCATIONS SO WE HAD THAT HYMN BOOK AS WE WENT INTO THE MEETING TODAY. THAT'S A GOOD THING. IT'S HARD LEAVING A NEIGHBORHOOD WE'VE BEEN PART OF

FOR 80 YEARS BUT WE FEEL IN TERMS OF BEING PART OF THIS NEIGHBORHOOD, CONCORDIA CAN HELP TO SERVE IT BETTER BY BEING IN ANOTHER PLACE AND IT'S ALL PART OF THAT THING AND I'M SURE YOU'VE HEARD ABOUT CLOSING THE GAPS. REALLY ADDRESSING HIGHER EDUCATION ISSUES HERE WITHIN THE CENTRAL TEXAS COMMUNITY. SO BEHALF OF THE FACULTY, STAFF, STUDENTS AND ALL THE FOLKS AT CONCORDIA, WE THANK YOU FOR ALL THE TIME YOU'VE PUT IN. WE THANK THE NEIGHBORHOOD FOLKS. WE THANK ALL THE LEGAL TEAMS, SUPPORTING MEMBERS THAT HAVE BEEN PART OF IT AND THE STAFF. IT'S BEEN A GREAT EFFORT AND WE APPRECIATE IT VERY MUCH AND WE LOOK FORWARD TO A CLOSING HERE COMING THURSDAY.

MAYOR WYNN: THANK YOU, SIR. QUESTIONS? COMMENTS, COUNCIL? THANK YOU. YOU'RE WELCOME.

GOOD AFTERNOON, BRIAN PEN FROM A CHURCH. WE HAVE BEEN WORKING WITH THE DEVELOPER ALSO. WE DO HAVE AN AGREEMENT ON THE EASEMENT AGREEMENT. WE DO SUPPORT CONCORDIA'S MOVE. WE DO SUPPORT THE BUILDER. I WANT TO THANK YOU ALSO FOR YOUR CONSIDERATION. HOPEFULLY WE'LL WORK THROUGH SOME OF THE TRAFFIC PROBLEMS THAT WE MAY HAVE. WE DON'T KNOW EXACTLY WHAT THEY ARE, AND IF YOU-ALL HAVE ANY QUESTIONS CONCERNING OUR ORGANIZATION, I'M OPEN TO THEM.

MAYOR WYNN: ARE THERE QUESTIONS, COMMENTS, COUNCIL?

THANK YOU.

MAYOR WYNN: THANK YOU, SIR, FOR ALL YOUR WORK. OKAY, COUNCIL, SO THEN COMMENT OR OBJECTION? WHAT I SUGGEST WE DO IS WORK OUR WAY THROUGH THE FOLKS WHO STILL WOULD LIKE TO ADDRESS THIS. AGAIN, WE HAVE THE PUBLIC -- THIS PUBLIC HEARING HAS REMAINED OPEN THROUGHOUT THE READINGS OF THIS POTENTIAL

ORDINANCE SO I'LL JUST TAKE THESE IN ORDER AND FOLKS ARE WELCOME TO ADDRESS THIS OR WAIT TILL WHATEVER. OUR FIRST SIGNED UP SPEAKER IS BRIAN PEN. WELCOME, MR. PEN. WE APPRECIATE YOUR SUPPORT, YOU'RE SHOWING UP HERE IN FAVOR OF THIS ORDINANCE, AS IS ROY HENDERSON. THANK YOU, ROY. TOMMY RANDALL? THANK YOU. VICK ME THIGH AS? WELCOME BACK, MR. METHIAS. DON LARSON SIGNED UP ALSO IN FAVOR AS IS DANA TWAMBLY. WELCOME. KELLY RAMSY SIGNED UP WISHING TO SPEAK BUT IN FAVOR AND WILL PASS. THANK YOU. LET'S SEA. RAFI ANUR. IS WELL TO SPEAK. WELCOME BACK, RAFI. AND IS BARBARA EPSTEIN HERE? YES, BARBARA, AND IS GAY RATLIFF STILL HERE? YES. SO RAF, YOU'LL HAVE UP TO NINE MINUTES IF YOU NEED IT. THESE LADIES ARE DONATING THEIR TIME TO YOU.

I DON'T KNOW IF THIS IS POSSIBLE OR IF JANA IS PREPARED OR NOT BUT IT WOULD BE GREAT TO SEE A DIAGRAM. I'M NOT CLEAR ON SOME OF THE DETAILS IF LUTHER LANE GOES THROUGH OR NOT. IF IT'S POSSIBLE TO PULL THAT UP.

GOOD POT, RAFI. I PRESUME THERE IS A VISUAL, MS. MCCAN? OR IF SOMEBODY HAS WE CAN PUT IT ON OUR OVERHEAD. WE HAVE ONE HERE IN THE -- ATTACHED TO THE ORDINANCE, BUT IT WOULD BE HELPFUL FOR EVERYBODY TO SEE IT. PAUSE THE CLOCK.

I JUST WANTED TO POINT OUT THE FACT THAT THE LUTHER LANE IS REMAINING OPEN, AND I'LL -- THIS IS LUTHER LANE HERE AND THE QUESTION WAS WHETHER OR NOT TO... TO CLOSE IT OFF AT ROUGHLY THIS POINT OR NOT. AND WE'VE RECOMMENDED, AS WE HAVE FROM THE BEGINNING OF THE PROCESS, TO KEEP IT REMAINING OPEN. IT'S CONNECTING THROUGH TO THE WHOLE SORT OF NORTH-SOUTH DRIVE SYSTEM AND THEN EVENTUALLY THROUGH TO TO THE I-35 FRONTAGE ROAD CREATING AN INTERCONNECTED GRID OF ROADWAYS, WHICH WE THINK WILL FUNCTION MUCH BETTER THAN HAVING IT ARTIFICIALLY CLOSED OFF. SO WE'RE EXTENDING

THE PUBLIC RIGHT-OF-WAY THROUGH HERE. ANY QUESTION ABOUT THAT? IS THAT THE ONLY QUESTION YOU HAD? OKAY.

THANK YOU, MS. MCCANN. IF WE CAN LEAVE THE VISUAL UP.

JUST TO CLARIFY, THE PUBLIC RIGHT-OF-WAY CURRENTLY ENDS IN A CUL-DE-SAC HERE AND WE WOULD BE EXTENDING IT IN A SYSTEM OF INTERNAL CIRCULATION, WHICH WOULD BE PRIVATE DRIVES OR STREETS.

MAYOR WYNN: THANK YOU, JANA.

SO AS I SAID MY NAME IS RAFI ANWAR. I RECENTLY GRADUATED FROM THE UNIVERSITY OF TEXAS, RECEIVED MY GRADUATE DEGREE THERE AND I HAD SEVERAL JOB OFFERS IN DIFFERENT CITIES. I WAS PRETTY FORTUNATE TO HAVE SEVERAL JOB OFFERS, AND I CHOSE TO ACCEPT THE JOB OFFER HERE IN AUSTIN DESPITE IT BEING A LOWER SALARY, 15% LOWER, THAN AN OFFER I HAD IN DALLAS. AND REFLECTING ON WHY I CHOSE TO, YOU KNOW, TAKE A LOWER SALARY TO REMAIN IN AUSTIN, IT REALLY -- IT PERTAINS TO THE QUALITY OF LIFE HERE. THERE'S A LOT OF DIFFERENT ELEMENTS THAT MAKE UP THE QUALITY OF LIFE THAT WE ALL ENJOY HERE, BUT ALL COMBINED TOGETHER, YOU KNOW, THE WEATHER, THE HIKE AND BIKE TRAIL, THE FOOD, THE MUSIC, IT'S A GREAT TOWN, IT'S HARD TO BEAT. AND TO ME THAT WAS WORTH 15% OF MY SALARY. SO -- BUT LOOKING AT, YOU KNOW, YOUR POSITION AS CITY COUNCIL, YOU'RE IN A VERY COMPETITIVE ENVIRONMENT. YOU'RE COMPETING AGAINST OTHER CITIES FOR JOBS, FOR DEVELOPMENT, FOR A TAX BASE, AND WE LIVE IN A TIME WHERE JOBS ARE MORE MOBILE THAN EVER AND, YOU KNOW, WE'VE SEEN THIS FIRSHTHAND JUST RECENTLY, ACTUALLY WITH A COMPANY MOVING ITS HEADQUARTERS TO DUBAI, RIGHT? SO IT'S VERY EASY NOWADAYS TO PICK UP YOUR HEADQUARTERS AND MOVE IT HALFWAY ACROSS THE COUNTRY OR HALFWAY ACROSS THE WORLD. AND CITIES AROUND THE U.S. ARE COMPETING

WITH EACH OTHER, OFFERING INCENTIVES TO ENTICE JOBS, TO ENTICE DEVELOPMENT TO THEIR CITIES. AND WHAT I FEAR IS THAT THESE ENTICEMENTS WILL COMPROMISE THE COMPETITIVE ADVANTAGE THAT AUSTIN HAS TODAY, WHICH IS ITS GREAT QUALITY OF LIFE. SO, YOU KNOW, I URGE YOU GOING FORWARD THAT EVERY DECISION YOU MAKE REGARDING DEVELOPMENT, REGARDING INCENTIVES, YOU THINK OF AUSTIN, THE BRAND THAT AUSTIN REPRESENTS, AND YOU WEIGH TO YOURSELF, HOW DOES THIS IMPACT THE BRAND OF AUSTIN. HOW DOES THIS IMPACT THE QUALITY OF LIFE FOR ALL THE RESIDENTS, ALL THE PEOPLE THAT LIVE HERE. AND I'M FAIRLY NEW AT CITY POLITICS AND COMING DOWN HERE AND SPEAKING, AND I'VE BEEN ASTONISHED IN JUST THE FEW WEEKS, LITERALLY FEW WEEKS THAT I'VE BEEN INVOLVED, THE NUMBER OF NEIGHBORHOOD ADVOCATES THAT I'VE SEEN COME DOWN HERE, JUST COMPLETELY DEFLATED AND THROWING IN THE TOWEL. I JUST -- YOU KNOW, TO ME, I DON'T UNDERSTAND WHY THESE PEOPLE ARE SO UPSET. YOU KNOW, I HAVEN'T BEEN AROUND THAT LONG. IT SEEMS LIKE THESE PEOPLE HAVE DEDICATED A GOOD AMOUNT OF TIME OF THEIR LIVES BUILDING NEIGHBORHOOD PLANS, PUTTING TOGETHER THESE DOCUMENTS, WORKING WITH COUNCIL, WORKING WITH DEVELOPERS, JUST TO SEE THEM COME DOWN HERE, THROWING IN THE TOWEL. SO I THOUGHT TO MYSELF, YOU KNOW, WHAT IS GOING ON? WHAT'S THE CAUSE OF ALL OF THIS? AND YOU KNOW WHAT I CAME UP WITH IS IT'S ALL ACTUALLY INTERCONNECTED. SO THESE PEOPLE HAVE PUT IN A LOT OF WORK BUILDING THESE NEIGHBORHOOD PLANS, COMING UP WITH BASE ZONING, AND, YOU KNOW, THE COUNCIL IS FORCED TO OFFER INCENTIVES IN THE FORM OF ENTITLEMENTS, WHICH GO AGAINST A LOT OF THESE NEIGHBORHOOD PLANS, DISCOURAGING ALL OF THE TIME AND EFFORT THAT THESE PEOPLE PUT IN. AND AT THE SAME TIME DEVELOPERS COME DOWN HERE SAYING, I NEED MORE HEIGHT. THE ONLY WAY I CAN GET THE FINANCIALS TO WORK IS IF YOU GIVE ME MORE HEIGHT. WHY? WHY DO YOU NEED MORE HEIGHT FOR THE FINANCIALS TO

WORK? WHY DIDN'T YOU PAY A PRICE FOR THAT LAND WHERE THE FINANCIALS WOULD WORK WITH THE ZONING THAT IT HAS IN PLACE? THE REASON WHY IS BECAUSE COUNCIL, NOT JUST IN THIS CITY BUT IN CITIES ALL ACROSS THE NATION HAS SET A PRECEDENT FOR UP-ZONING PROPERTY. IF THE CITY STICKS BY ITS GUNS AND SAYS, THE ZONING IS THE ZONING, YOU RESPECT IT. NEIGHBORHOODS HAVE WORKED HARD, YOU WOULD SATISFY THESE PEOPLE THAT COME IN HERE THROWING THE TOWEL, YOU WOULD GET RID OF THE SPECULATION THAT'S RAMPANT IN THE MARKET. YOU WOULD BRING THE PRICES DOWN, HELPING THE AFFORDABLE HOUSING ISSUE, AND YOU WOULDN'T HAVE NEIGHBORHOODS IN HERE FIGHTING 240-FOOT TOWERS BECAUSE SOMEBODY OVERPAID FOR A PIECE OF PROPERTY. IT'S, YOU KNOW, ECONOMICS AT ITS BEST. IF YOU GET RID OF THE SPECULATION, IF YOU GET RID OF THE UNCERTAINTY IN THE MARKET MARKET, THE EXPECTATION THAT YOU'RE GOING TO UP ZONE A PROPERTY, LET THE PRICES SHAKE OUT, LET THE PRICES SETTLE DOWN AND PEOPLE WILL STOP OVERPAYING FOR PROPERTY VERY QUICKLY. I'D LIKE TO SPEAK A LITTLE ABOUT CITY CONCESSIONS. I LEARNED A NEW ANALOGY. AGAIN, I MENTIONED THAT I'M FAIRLY NEW AT THIS. THE ANALOGY IS -- THE A.M. ROW ANYMORE IS NIMBI. NEVER HEARD IT BEFORE? NOT IN MY BACKYARD? I'VE HEARD THAT TERM BEFORE. AND, YOU KNOW, THE NIMBY ATTITUDE, I THINK THERE'S A LOT THAT THE CITY CAN DO TO REVERSE THAT, AND TO ACTUALLY MAKE NEIGHBORHOODS WANT DEVELOPMENT IN THEIR BACK YARDS. THE REASON WHY PEOPLE DON'T WANT DEVELOPMENT IN THEIR BACK YARDS IS BECAUSE THE DEVELOPMENT THAT YOU'RE DOING FLIES IN THE FACE OF ALL THE HARD WORK THAT THEY PUT INTO THEIR NEIGHBORHOOD PLANS AND THE PUBLIC BENEFIT THAT THESE NEIGHBORHOODS RECEIVE ARE OFTEN MINIMAL, AND IT DOESN'T COUNTER THE CONGESTION, THE POLLUTION THAT THEY HAVE TO DEAL WITH ON A DAILY BASIS. SO I LOOK TO THE COUNCIL TO PROVIDE CITY CONCESSIONS, TO TURN AROUND THIS NIMBY PARADOX SO THAT NEIGHBORHOODS ACTUALLY WANT DEVELOPMENT IN THEIR BACK YARDS, BECAUSE IT MEANS THAT THEY GET NEW

SIDEWALKS, IT MEANS THAT, YOU KNOW, THEY GET UPGRADES TO THEIR INFRASTRUCTURE. SO DEVELOPMENT IS GOOD. BRING IT ON. IT BRINGS, YOU KNOW, BENEFITS FOR THE NEIGHBORHOOD, FOR THE WHOLE NEIGHBORHOOD, NOT JUST THE AREA BEING DEVELOPED. LASTLY I WANT TO TALK A LITTLE BIT ABOUT AFFORDABLE HOUSING. THIS IS SOMETHING, YOU KNOW, THAT I THINK THAT CAN BE ATTACKED FROM A VARIETY OF ANGLES, ONE OF WHICH, AND I THINK MAYBE THE SIMPLEST, IS SIMPLY REQUIRING DIVERSITY. SOMEBODY BUILDS A CONDO TOWER. IT'S VERY -- YOU KNOW, A VERY EASY RULE TO CREATE IS REQUIRING DIVERSITY IN SQUARE FOOTAGE. YOU DON'T NEED TO IMPOSE PRICE. YOU DON'T NEED TO, YOU KNOW, TRY TO MEDAL WITH THE MARKET, OTHER THAN SETTING DEADLINES AROUND DIVERSITY OF SQUARE FOOTAGE OF THINGS AVAILABLE. THE SMALLER UNITS WILL GO FOR A LOW PRICE. SO JUST AS PEOPLE THAT BUY THE LARGE UNITS SACRIFICE TO LIVE IN RELATIVELY SMALLER UNITS DOWNTOWN, PEOPLE WHO COULD HAVE AFFORDED A THOUSAND SQUARE FEET HOUSE DOWNTOWN CAN AFFORD, YOU KNOW, A SMALLER 500 SQUARE FEET CONDO DOWNTOWN. SO EVERYBODY SORT OF MAKES A UNIFORM SACRIFICE ACROSS THE BOARD AND THERE ARE PRICE POINTS AVAILABLE ALL THE WAY DOWN TO THE SMALLEST SQUARE FOOTAGE UNIT. AND I NEED TO DO A SHOUT OUT BECAUSE I RECEIVED TIME TO SPEAK ABOUT THIS ISSUE TOO. THE RED RIVER BOUNDARY, WE'RE AFRAID THAT THAT BOUNDARY IS GOING TO CREEP WESTWARD AND WE HOPE THAT WHEN WE'RE UP HERE DISCUSSING GAME DAY OR -- IT BECOMES CONDOMINIUMS AND ANY FUTURE DOASM THAT'S WEST OF RED RIVER, THAT WE BE MINDFUL OF THE SACRIFICES THAT THE NEIGHBORS MAKE AND RESPECT THE NEIGHBORHOOD PLAN AND EVERYTHING I'VE SEEN HERE TODAY. THANK YOU.

MAYOR WYNN: THANK YOU, MR. ANUR. EXCUSE ME. LINDA TEAM SIGNED UP WISHING TO SPEAK. WELCOME, MS. TEAM. YOU'LL BE FOLLOWED BY SUSAN MOFFET, WHO WILL BE FOLLOWED BY KAREN MCGRAW.

MR. MAYOR, COUNCIL MEMBERS, MY NAME IS LINDA TEAM. I LIVE IN EASTWOOD'S NEIGHBORHOOD. I'VE EARNED MY STRIPES AS A MEMBER OF THE COMPACT FUNDING COMMITTEE AND WE CAME TO IN YOU IN AUGUST OF 2004 AND PRESENTED THE PRODUCT OF THREE YEARS OF WORK BY SCORES OF NEIGHBORS AND I DON'T KNOW HOW MANY CITY STAFF PEOPLE WHO WERE INVOLVED IN THAT PLANNING PROCESS. THIS PARTICULAR ISSUE BEFORE US TODAY IS, GRATEFULLY, ABOUT TO BE CONCLUDED. WHETHER IT'S GOOD OR NOT WE'LL SEE OVER THE COMING YEARS, BUT THE PROCESS I WANT TO SAY, I HOPE WE NEVER HAVE TO GO THROUGH THAT AGAIN. IF WE HAVE SOMETHING LIKE THIS, AN UNFORESEEN CIRCUMSTANCE WHERE A LARGE PLOT OF LAND IS UP FOR REZONING, I HOPE WE'LL PUT TOGETHER A MECHANISM WHERE THE PARTIES INVOLVED WILL HAVE ADEQUATE REPRESENTATION AND ADEQUATE STAFFING, BECAUSE IT'S IN THE CITY'S INTEREST TO BE REPRESENTED WHEN THESE DECISIONS ARE BEING DEVELOPED, WHEN THE PLANS ARE BEING MADE, AND THE NEIGHBORS ARE NOT ADEQUATE REPRESENTATIVES OF THE CITY. NO MATTER HOW MUCH TIME WE WANT TO GIVE AND BLOOD WE'LL SPILL, WE ARE NOT PROFESSIONAL PLANNERS, AND WE NEED THE CITY STAFF AND OTHER PROFESSIONAL PLANNERS TO BE INVOLVED TO ASSURE THAT THE CITY'S INTERESTS ARE MET AND THAT WE DON'T HAVE JUST A TERRIBLE POLITICAL TUSSLE TO GET DOWN TO THE END OF IT. SO I HOPE THE NEXT TIME THAT WE'LL HONOR THE NEIGHBORHOOD PLANS, BUT IN THIS CASE THE NEIGHBORHOOD DID NOT FORESEE CONCORDIA LEAVING, AND -- BUT THAT WE WILL AT LEAST KNOW THAT WE NEED A PROCESS. AND YOU-ALL DID YOUR -- YOU TOOK AN INITIATIVE TO SEE -- SOME OF YOU TOOK VERY CREATIVE INITIATIVES TO SEE THAT SOME RESOURCES TO PLAN WERE BROUGHT INTO THIS PROCESS. BUT IF IT HADN'T BEEN FOR THAT IT WOULD HAVE BEEN A TERRIBLE DID HE BACK HE..... DEBACLE. I JUST WANT TO THANK YOU FOR THAT. THAT'S ALL I HAVE. I HOPE WE DO IT MORE RATIONALLY NEXT TIME.

MAYOR WYNN: SUSAN MOFFET. YOU WILL THREE

MINUTES, FOLLOWED BY KAREN MCGRAW.

GOOD AFTERNOON. I'M SUSAN MOFFET AND I WANT TO SECOND EVERYTHING THAT LINDA TEAM SAID. I COULDN'T AGREE MORE. I LIVE ONE NEIGHBORHOOD OVER AND ONE BLOCK UP FROM THE PROPOSED PROJECT, AND OUR FAMILY'S ELEMENTARY SCHOOL, LEE ELEMENTARY IS ONE BLOCK AWAY. MY HUSBAND IS THE CO-OWNER OF TWO BUSINESSES LOCATED OFF RED RIVER IN THE HANCOCK NEIGHBORHOOD. I AM THRILLED THAT AN AGREEMENT HAS BEEN REACHED IN THIS CASE AND I REALLY DO THANK COUNCIL FOR STEPPING INTO THE BREACH AT THE 11TH HOUR AND PROVIDING RESOURCES TO THE NEIGHBORHOOD. I KNOW EVERYONE INVOLVED HAS BEEN WORKING AS HARD AS POSSIBLE, AND I WHOLEHEARTEDLY SUPPORT THE WORK OF THE NEIGHBORHOOD NEGOTIATING TEAM. I AM CONCERNED ABOUT THE RUSH DEADLINE UNDER WHICH THE FINAL AGREEMENT HAS BEEN IRONED OUT AND I'M CONCERNED THAT IT MAY NOT PROVIDE SUFFICIENT TIME TO THOROUGHLY VET ALL THE LEGAL DOCUMENTS TO ENSURE THAT THE AGREEMENTS WILL BE ENFORCED AND UPHELD AS THEY WERE INTENDED. I'M A RESIDENT OF HYDE PARK AND I AM SADLY AWARE OF WHAT CAN HAPPEN WHEN VAGUE LEGAL DOCUMENTS ARE FILED UNDER DEADLINE PRESSURE TOWARD THE CLOSE OF A NEGOTIATION. IN THE HYDE PARK CASE THE RESULT WAS FIVE YEARS OF LEGAL BATTLES THAT ULTIMATELY PUT THE CITY IN COURT. I JUST WANT TO MAKE SURE THAT WE'VE REALLY HAD TIME TO REVIEW THE CONCORDIA DOCUMENTS TO AVOID ANOTHER SUCH OUTCOME. MOVING FORWARD, I SECOND LYNN'S PLEA FOR A WAY TO IDENTIFY FAIR AND CONSISTENT POLICIES FOR THESE LARGE PROJECTS THAT WILL UPHOLD OUR VISION FOR AUSTIN AND ENSURE THAT THE COMMUNITY DOES NOT BECOME COMPLETELY SUBORDINATE TO WHATEVER IS DEEMED EXPEDIENT BY THE DEVELOPER OF THE MOMENT. REAL ESTATE CLOSINGS ARE POSTPONED EVERY DAY. THERE SHOULDN'T BE ANYTHING REMARKABLE ABOUT NEEDING A LITTLE MORE TIME TO MAKE SURE THE DOCUMENTS CLEARLY

SPELL OUT WHAT'S INTENDED, PARTICULARLY IN A PROJECT OF THIS SIZE AND COMPLEXITY. AND I WOULD SIMPLY URGE YOU NOT TO ACT ON THIS CASE UNTIL ALL PARTIES, INCLUDING YOURSELF, COMPLETELY UNDERSTAND WHAT'S BEING APPROVED AND ARE ABSOLUTELY CONFIDENT THAT THE DOCUMENTS THAT PUT THIS IN PLACE ARE THOROUGH, DETAILED AND ACCURATE. I SPENT FOUR YEARS OF MY OWN LIFE ON THE HYDE PARK CASE BECAUSE OF VAGUE DRAFTING AND A RUSHED PROCESS AND I REALLY DON'T WANT TO SEE THAT HAPPEN AGAIN TO ANOTHER NEIGHBORHOOD. SO PLEASE, SLOW DOWN, DO YOUR JOBS AND MAKE SURE THAT WE'VE DPOT IT RIGHT BEFORE YOU.....GOT IT RIGHT BEFOREYOU VOTE. THANK YOU SO MUCH.

MAYOR WYNN: THANK YOU, MISMOFFET.
WELCOME, KAREN MCGRAW.

MAYOR, COUNCIL MEMBERS, I'M KAREN MCGRAW REPRESENTING TERRY MYERS WHO IS NOT HERE TODAY. I SECOND EVERYTHING LYNN TEAM SAID. LET'S WORK ON THIS PROCESS. I HAVE ONE LAST THING AND I REALLY JUST WANT TO SAY SOMETHING ABOUT IT. THE ISSUE CAME IN FRONT OF ME ABOUT TELECOMMUNICATIONS TOWERS AND THEY WERE LISTED AS A PERMITTED USE IN THIS PUD. I AM A LITTLE BIT UNCLEAR ABOUT HOW THAT WORKS IN THE CURRENT CODE, BUT IN GENERAL WHAT I'M GOING TO SAY IS I WAS ON THE CELL TOWER TASK FORCE IN 1993-94 AND THE INTENT OF OUR WORK WAS TO ALLOW THE CELL ANTENNA TO BE PLACED PRIMARILY ON BUILDINGS. WHAT WE TRIED TO DO IS TO ENCOURAGE THOSE TO BE PUT ON BUILDINGS, ON EXISTING TOWERS, AND I THINK THE ORDINANCE WORK THAT WE DID AT THAT TIME WAS VERY GOOD AND THAT'S WHY YOU DON'T SEE A LOT OF CELL TOWERS AROUND AUSTIN. SO WHETHER IT'S BEEN COMPLETELY STRAIGHTENED OUT IN THE CODE OR NOT, I WOULD HOPE THAT THERE WOULD NEVER BE A CELL TOWER ON THIS SITE, BECAUSE WITH THE HEIGHTS THAT THEY'VE ACHIEVED HERE, WERE THEY TO PUT UP A TOWER THEY MIGHT BE ABLE TO ACHIEVE THOSE HEIGHTS. I'M NOT QUITE CLEAR ABOUT

THAT, BUT THEY SHOULD NOT HAVE A CELL TOWER ON THIS SITE. WHAT THEY SHOULD BE DOING IS PUTTING ANY KIND OF FACILITY LIKE THAT ON TOP OF THESE BUILDINGS, AND THAT WAS THE INTENT BACK THEN. SO WITHOUT KNOWING ALL THE SPECIFICS DAY, I JUST WANT TO SAY HOWEVER IT TURNED OUT IN THE CODE, THE INTENT SHOULD BE THAT THERE SHOULD NOT BE ANY TOWERS ON THAT SITE. THANKS.

MAYOR WYNN: THANK YOU, MS. MCGRAW. BART WATTLY, AND IS MARK BINCH HERE? RULES ARE YOU NEED TO BE PRESENT IN ORDER TO DONATE YOUR TIME. SO MR. WATTLY, YOU'LL HAVE UP TO 6 MINUTES.

MY NAME IS BART WATTLY, PRESIDENT OF VAN COCK NEIGHBORHOOD ASSOCIATION AND ALSO A MEMBER OF THE CANPAK PLANNING GROUP. AND I'D LIKE TO THANK COUNCIL FOR ENCOURAGING THIS COLLABORATIVE PROCESS. I DON'T KNOW WHAT WE WOULD HAVE DONE WITHOUT IT. AND I'D LIKE TO... TO THANK THE DEVELOPER FOR AGREEING TO JOIN IN THIS COLLABORATIVE PROCESS AND FOR PROVIDING FOR PAYMENT FOR THE ATTORNEY FOR THE NEIGHBORHOOD AND FOR OUR HALF OF THE FEES FOR THE URBAN DESIGNER, JANA MCCANN, ROMA DESIGN GROUP. IT'S HELPED IMMENSELY. ALSO LIKE TO THANK THE DEVELOPER AND I THINK HE CAME A LONG WAY THROUGHOUT THIS PROCESS AND STARTED TO BECOME MORE OPEN TO SOME OF OUR COMMUNITY VALUES AND CONCERNS, AND IT'S REALLY IMPORTANT TO US. THE PUD, WE'VE DONE THE BEST WE CAN, IT MAY NOT BE PERFECT AND IT MAY NOT BE EVERYTHING WE WANT BUT IT'S BEEN VERY TOUGH. THERE'S BEEN A LOT OF COMPROMISE. IT'S BEEN HARD ON ALL OF US. I THINK OVER ALL THIS COLLABORATIVE PROCESS THAT WAS SET UP IT WAS VERY HELPFUL. I THINK THE ONLY ROOM FOR IMPROVEMENT IS PERHAPS TO LOOK AT THE PUD ORDINANCE, PUD ZONING TOOL. PERHAPS IT NEEDS A LITTLE SCRUBBING OR A LITTLE THOUGHT. IT MAY NOT BE THE PROPER TOOL FOR DENSE URBAN INFILL BUT OTHER THAN THAT I THINK ALL THE SUPPORT THAT WAS PROVIDED TO US WAS VERY,

VERY HELPFUL IN GETTING US THROUGH. AND AS FAR AS DETAILED POINTS, I ONLY HAVE TWO ISSUES. ONE IS ALREADY IN THE PUD AND THAT'S LUTHER LANE BEING OPEN. I THINK THAT'S VERY IMPORTANT, THE URBAN DESIGNER SAID IT WORKS BEST AND ALSO WE HAVE INPUT FROM TRAFFIC ENGINEERS THAT SAYS THAT WORKS BEST AS WELL. I'M AN ARCHITECT AND I'VE BEEN INVOLVED WITH THE DESIGN OF SCHOOL. I FEEL THAT COULD PROVIDE WELL FOR THE SCHOOL AND SAFE DROP OFF AND PICK UP FOR STUDENTS. THE ONE LAST ITEM THAT I'VE NOTICED IS THE NORTH-SOUTH INTERNAL CIRCULATION STREET WITHIN THIS PUD IS ALL STREETS RIGHT NOW ARE DESIGNATED INTERNAL CIRCULATION ROUTES AND I DO THINK THAT IT WOULD PROBABLY BE MORE APPROPRIATE, IN MY PERSONAL OPINION, FOR THAT CENTRAL NORTH-SOUTH STREET TO BE A CORE TRANSIT CORRIDOR TO TRIGGER COMMERCIAL DESIGN STANDARDS THAT ARE MORE IN LINE WITH WHAT WE'VE BEEN TALKING ABOUT FOR THIS PROJECT. ANYWAY, THANKS AGAIN TO THE CITY AND STAFF AND TO EVERYBODY INVOLVED IN THIS PROJECT, THE NEIGHBORS AND THE DEVELOPER AND ALL OF OUR CONSULTANTS. I APPRECIATE MAKING THIS -- EVERYBODY DOING WHAT THEY CAN TO MAKE THIS A GOOD PROCESS FOR US.

MAYOR WYNN: THANK YOU, MR. WATTLY. AND LET'S SEE, LOOKS LIKE FRED YIEW HAS SIGNED UP IF WE HAVE QUESTIONS, YOU'RE WELL TO ADDRESS THIS, FRED, IF YOU LIKE, AND PEGGY KEGAN SIGNED UP NOT WISHING TO SPEAK IN OPPOSITION. ARE THERE ANY OTHER CITIZENS WHO WANT TO ADDRESS THIS REGARDING THESE TWO POSTED ITEMS? THANK YOU ALL VERY MUCH. COUNCIL, COMMENTS, QUESTIONS..... QUESTIONS? MOTIONS? COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: I THINK WE HAVE SOME LESSONS WE'VE LEARNED FROM EVERYTHING PEOPLE EXPERIENCED ON THIS CASE. ONE OF THE PRINCIPLES THAT WE SHOULD BE THINKING ABOUT AS WE MADE DECISIONS AND POLICIES IS WE DO HAVE TO THINK MORE THAN SIX MONTHS IN THE FUTURE. WE HAVE TO THINK ABOUT WHAT KIND OF

COMMUNITY WE WANT TO LIVE IN IN 20 YEARS. THAT -- NOT JUST WHAT'S GOING TO HAPPEN IN OUR NEXT BUDGET SESSION. AND IN THAT VEIN WE HAVE TO BE INTENT FULLY AWARE OF WHAT THE EXPERIENCE HAS BEEN IN CALIFORNIA WHERE THE AVERAGE MORTGAGE IS -- THE AVERAGE HOUSING PRICE IS \$400,000, AND THEY DON'T MAKE THAT MUCH MORE MONEY THAN WE DO IN AUSTIN OUT IN CALIFORNIA. AND SO TO BE WANTING TO LIVE IN A KIND OF COMMUNITY WHERE YOU HAVE TO COMMUTE TO AFFORD -- YOU HAVE TO DRIVE TO FIND A PLACE YOU CAN AFFORD, WHICH IS BASICALLY SHIFTING TRANSPORTATION COSTS ONTO THE MIDDLE CLASS AND TO FOLKS THAT ARE REALLY FINDING THAT THEY'RE FINDING HOUSING AFFORDABILITY CRUNCH. SO IT IS CLEAR THAT OUR CURRENT WAY OF DOING BUSINESS IS BROKEN. IF WE'RE GOING TO WANT TO HAVE A CITY IN 20 YEARS THAT DOESN'T LOOK LIKE CONTRACT, \$400,000 AVERAGE HOUSING PRICES, SO IF WE HAVE A BROKEN SYSTEM WE IMMEDIATE TO FIX IT NOW AND SINCE WE HAVE A GOOD LEAD TIME WARNING THAT WE HAVE PROBLEMS IN OUR FUTURE. UNFORTUNATELY WE DO NOT HAVE A POLICY IN PLACE YET AS THE -- THEY STATED ACCURATELY YESTERDAY, WE ARE DOING THIS ON AN AD HOC, FAIRLY BY THE SEAT OF OUR PANTS BASIS, AND WHAT HAPPENS IS ALL OF YOU-ALL GET DRAGGED THROUGH MONTHS OF THE PROCESS THAT WAS DEEPLY UNSATISFACTORY AND WAY MORE EXPENSIVE AND WILDLY UNPREDICTABLE, SO THE NEIGHBORHOODS LOSE AND THE DEVELOPERS LOSE. I THINK WE HAVE COME UP WITH A GOOD APPROACH ON THIS CASE THAT IS A MODEL, BUT IT'S ONLY BY US AD HOCKING IT THIS TIME. IT'S NOT BECAUSE IT IS GREAT POLICY IN PLACE TO ACHIEVE THE KIND OF CITY WE WANT TO LIVE IN IN 20 YEARS. SO I AGREE WITH THE STATEMENTS OF THREE OF MY COLLEAGUES AND TWO DIFFERENT PRESS ORGANIZATIONS THAT WE NEED TO GO FROM AN AD HOC WAY OF MAKING DECISIONS ON THESE ISSUES TO A POLICY, AND THAT POLICY, TO ACHIEVE THE KIND OF COMMUNITY WE WANT TO LIVE IN IN 20 YEARS, WE HAVE BASICALLY TWO TOOLS TO GET THERE AND THE FIRST ONE IS TAXPAYER SUBSIDIES, WHICH WE'RE DOING WITH

THE CITIZENS APPROVING \$55 MILLION IN AFFORDABLE HOUSING BONDS. AND WE HAVE A SECOND TOOL AVAILABLE TO MAKE SURE WE DON'T BECOME LIKE CALIFORNIA WHERE EVERYBODY ENTERS THE MARKET AT \$400,000, ON AVERAGE, AND THAT SECOND TOOL IS TO CREATE VOLUNTARY WIN-WIN PARTNERSHIPS BETWEEN THE COMMUNITY AND DEVELOPERS WHERE IT'S VOLUNTARY AND IT'S THE ABILITY TO BUILD MORE IN EXCHANGE FOR PROVIDING SOME SORT OF PUBLIC BENEFIT. AND I AGREE WITH MAYOR WYNN'S STATEMENT, IT NEEDS TO BE A FORMALIZED POLICY. AND I ALSO BELIEVE THAT WE HAVE SEEN, SOME OF YOU-ALL STATED THAT OUR PUD PROCESS IS BROKEN, THAT IT IS NOW A TOOL THAT ACTUALLY MAKES IT -- THAT MAKES IT ALMOST LEGALLY IMPOSSIBLE TO CREATE SUPERIOR DEVELOPMENT. YOU-ALL HAD TO DO THROUGH THIS TORTURED PRETS HE WILL LIKE PROCESS, WHICH YOU-ALL HAD TO PAY ILLEGAL FEES TO FOFERS, BECAUSE OUR PUD PROCESS IS SO WEAK IT IS GOING TO BECOME THE PATH OF LEAST RESISTANCE FOR DOING THE WRONG THING. THAT'S NOT HAPPENING HERE, BUT THAT'S THE CHALLENGE WE HAVE, PRIVATE AGREEMENTS, TO MAKE SURE WE DO THE SAME THINGS. OUR ZONING CODES, EVERY ONE OF THEM ALLOWS US TO DO BETTER FOR AFFORDABLE HOUSE THANKING AND MORE PARKS. EVERY ONE OF OUR SOAK CODES EXCEPT PUD, WHICH WE ARE TOLD PROHIBITS US FROM ALLOWING BETTER THINGS TO THE PUD ORDINANCE, EVEN IF THE PUD ORDINANCE IS SUPPOSED TO BE THERE TO PROVIDE SUPERIOR DEVELOPMENT. SO I'M PROUD TO JOIN COUNCIL MEMBER MARTINEZ IN SEEKING TO CHANGE AND IMPROVE OUR PUD POLICIES SO WE ACTUALLY DO GET A PUBLIC POLICY THAT'S -- THAT HAS THINGS WHICH WE AS A COMMUNITY CARE ABOUT, WHICH IS NOT BECOMING A \$400,000 PLACE LIKE CALIFORNIA WHEN WE HAVE OPPORTUNITY TO DO BETTER THAN THAT IN THE FUTURE. I DO WANT TO KIND OF DO CALCULATIONS ON THE COST OF PUBLIC BENEFITS ON THIS. LET ME TELL YOU, THEY ARE STEEL, FOLKS. THEY ARE PROBABLY THE STEEPEST PUBLIC BENEFITS PACKAGE IN TERMS OF PURE DOLLARS THAT WE'VE SEEN IN THIS

COMMUNITY. IT COMES OUT ON THE AFFORDABLE HOUSING SEGMENT -- I KNOW THERE'S BEEN SOME CRITICISM ABOUT THE LEVELS OF AFFORDABILITY AND I WISH WE COULD DO BETTER AND IF WE HAD A POLICY I THINK WE COULD, THE COST OF AFFORDABILITY IS \$22 MILLION. HERE'S HOW WE GOT THERE. THAT IS ON THE BASIC AVERAGE STARTING PRICE FOR CONDOS. THIS IS PROJECTED TO BE \$400,000 A UNIT. AND THEN IF YOU LOOK AT 5% OF 150, 5% OF 120, THAT TRANS LIGTS INTO \$22 MILLION OF REVENUE BETWEEN MARKET RATE AND THE LEVEL SET. THAT TRANSLATES, HOWEVER, INTO ABOUT -- ON A \$2,660 MONTHLY PAYMENT, THAT TRANSLATES TO ABOUT AN EXTRA 146145, 146 BUCKS A MONTH. ON A PER UNIT BASE IT'S NOT THAT STEEP BUT ON AN AGGREGATE IT'S PRETTY HEFTY. BUT THERE'S A LOT OF UNITS BEING ADD SO THERE'S TWO WAYS TO LOOK AT IT. IT'S A LOT OF RAW DOLLARS, NOT THAT MUCH PER UNIT. 5% EXTRA AMOUNT ON A PER UNIT BASIS. THAT'S THAT.

MAYOR WYNN: PARTNERSHIP WE WERE.....THAT WIN-WIN PARTNERSHIP WE WERE TALKING ABOUT. I WANT TO THANK PEOPLE FOR THE QUALITY OF THE URBAN DESIGN BUT ALSO PAYING FOR THE REPRESENTATION IN THE NEIGHBORHOOD, SO THAT WE COULD EVERY COME THE STRUCTURAL WEAK INSIST AND OUR AD HOC WAY OF DOING BUSINESS AND INSTEAD CREATE A PROCESS TO ALLOW MUTUAL TRUST AND ALLOW EVERYBODY TO WORK TOGETHER, AND ANDY PAID FOR ALL THAT, AND SO I DO APPRECIATE THAT. SEVERAL SPEAKERS HAVE DONE. IT WAS A BIG HELP IN GETTING HELP FOR THE COMMUNITY AND HELPING TO CREATE THAT STRUCTURE OF TRUST. SO REMEMBER, WE NEED TO BE THINKING INTO THE FUTURE AND WE NEED TO GET PEOPLE TO SAY IN THE DECISIONS THAT IMPACT THEIR LIVES. WE HAVE DONE THAT HERE, FORTUNATELY, AND -- BUT TO FURTHER THESE PRINCIPLES IN A CONSISTENT AND PREDICTABLE BASIS, WE CAN'T DO IT AD HOC ANY MORE. WE NEED OUR POLICIES TO BE FIXED. I THINK THAT'S THE GREAT LESSON HERE. YOU-ALL DID GREAT WORK AND I APPRECIATE WHAT EVERYBODY DID

TOGETHER AND LET'S MAKE SURE THAT THIS IS EASIER MORE PREDICTABLE IN THE FUTURE, FUTURE NEIGHBORHOODS, SO THAT ALL OF YOUR WORK AND SWEAT EQUITY WASN'T IN VAIN IN THAT REGARD TOO. THANKS.

MAYOR WYNN: THANK YOU, COUNCIL MEMBER. BEFORE WE TAKE MORE COMMENTS OR QUESTIONS MR. GUERNSEY I THINK HAS A -- HAS A CLARIFICATION FOR US.

GUERNSEY: ON PAGE 6 OF 13 ON YOUR ORDINANCE, UNDER PARAGRAPH 12 AND 13, THERE'S A REFERENCE TO SECTIONS 25-2-775, PARTS B THROUGH G, AND THESE ARE REFERRING TO OUR TOWNHOUSE REGULATIONS. AND THAT WOULD BE TO CLARIFY UNDER PARAGRAPH 12 AND 13 TO READ SECTIONS 25-2-775, PART B AND PART D THROUGH G ON BOTH PARAGRAPH 12 AND 13.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. AGAIN, QUESTIONS OF STAFF? COMMENTS, COUNCIL? COUNCIL MEMBER COLE.

COLE: I BRIEFLY ALSO WANT TO REITERATE A THANK YOU TO THE DEVELOPER FOR AGREEING TO THIS PROCESS AS DIFFICULT AS IT WAS I THINK WE GOT ALONG FURTHER THAN WE EVER WOULD HAVE WITHOUT THE DEVELOPER AND THE AGENT, JANA. I ALSO WANT TO POINT OUT THAT WE HAVE SOME DISCREPANCY BETWEEN WHAT STAFF RECOMMENDED ON THE PARKLAND DEDICATION FEES AND WHAT THE CURRENT ORDINANCE EXISTS. I'M GLAD THAT WE HAVE A CURRENT POLICY MAKING ITS WAY THROUGH THE COMMISSION TO DEAL WITH THAT AND AS WE HAVE MORE OF THIS DEVELOPMENT, PAYING ATTENTION TO THE PARKLAND AND GREEN SPACE IS GOING TO JUST BE EMINENT ON OUR MINDS AND MY MIND, AND SO I APPRECIATE THE NEIGHBORHOODS PUSHING FOR HAVING THAT PARKLAND IMPROVEMENTS IN THIS DEAL AND I HOPE THAT WE CONTINUE TO DO THAT IN THE FUTURE.

MAYOR WYNN: COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON THESE COMBINED ITEMS

1 AND 2 OF THIS SPECIAL CALLED MEETING THAT WOULD INCLUDE CLOSING THE PUBLIC HEARING AND PASSING THIS -- BOTH ITEMS ON EMERGENCY PASSAGE.

COLE: MOVE TO CLOSE THE PUBLIC HEARING.

MAYOR WYNN: MOTION BY COUNCIL MEMBER COLE TO CLOSE THE PUBLIC HEARING AND APPROVE COMBINED ITEMS NO. 1 AND 2 ON EMERGENCY PASSAGE, SECONDED BY COUNCIL MEMBER LEFFINGWELL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON THIRD READING ON A VOTE OF 5-0 WITH THE MAYOR PRO TEM AND COUNCIL MEMBER KIM OFF THE DAIS.

AND MAYOR THAT INCLUDES THE CLARIFICATION MR. GUERNSEY MADE FROM THE DAIS -- I MEAN, FROM THE PODIUM.

MAYOR WYNN: YES. THANK YOU.

THANK YOU.

MAYOR WYNN: THERE BEING NO MORE BUSINESS BEFORE THIS SPECIAL CALLED MEETING OF THE AUTOMATIC CITY COUNCIL, WE STAND ADJOURNED. IT IS 4:59 P.M.

**End of Council Session Closed Caption
Log**